

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ROCK HILL DIVISION**

James Neal Franklin,) Case No.: 0:24-cv-03181-SAL
)
 Plaintiff,)
)
 v.) CONSENT MOTION FOR SECOND
) AMENDED CONFERENCE AND
) SCHEDULING ORDER
)
 Don Ray Reynolds and Englander)
 Transportation, Inc.,)
)
 Defendants.)

TO: HON. SHERRI LYDON, DISTRICT JUDGE:

The parties respectfully request that certain deadlines in Amended Conference and Scheduling Order (Dkt. No. 9), beginning with the Plaintiffs' expert disclosure deadline, be extended by ninety (90) days. This Motion is made pursuant to Rules 6 and 16, FRCP. A chart containing the information required by Local Rule 6.01 is included. Pursuant to Local Rule 6.01, a proposed Second Amended Conference and Scheduling Order is submitted herewith. Pursuant to Local Rule 7.04, a separate memorandum including the information required by Local Rule 7.05 is not attached, as that information is contained below.

NATURE OF THE CASE

This lawsuit arises from a three-tractor-trailer pileup on I-77 that occurred on February 13, 2024. (Complaint, ¶¶ 6-7 (Dkt. No. 1-1).) Defendants have admitted liability for the collision and requested a jury trial on the measure of damages. (Am. Ans., ¶¶ 12, Prayer (Dkt. No. 13).)

FACTS BEARING UPON THE MOTION

The parties have been active in discovery so far. Defendant Reynolds was deposed on October 18, 2024. Plaintiff Franklin was deposed in Tampa, Florida on November 4, 2024, and indicated that after the collision he had neck surgery. Mr. Franklin also testified that he is still receiving treatments for his neck and lower back. Significantly, all but one of Mr. Franklin's medical providers is in Florida.

Additionally, the parties have exchanged large volumes of written discovery. Notably, a supplemental discovery response from Plaintiff on December 12, 2024 indicated that Plaintiff has retained two medical experts and received a complex life care plan showing potential future surgical interventions. Along the way, Defendants have been sending subpoenas for medical and other records and have been receiving them.

Finally, in an effort to resolve the case efficiently, the parties participated in an early mediation on December 18, 2024. Though the mediation was unsuccessful, the parties have not closed the door to a negotiated resolution and desire additional discovery prior to resuming negotiations.

ARGUMENT

Pursuant to Rule 16(b)(4), “[a] schedule may be modified only for good cause and with the judge’s consent. Rule 16(b)(4), FRCP; *see also* Rule 6, FRCP. Such good cause exists in this case. As noted above, the parties have conducted depositions of the individual parties, but significant additional time will be needed for medical witness depositions and expert discovery. Plaintiff is still treating, and the treatments (and recommendations) that have been rendered to date will require review by experts from both sides. More time to investigate these issues will benefit all parties, as the case moves towards either trial or negotiated resolution.

LOCAL RULE 6.01 INFORMATION

<u>Item</u>	<u>Deadline Under Amended Conference and Scheduling Order</u> (filed July 9, 2024) (Dkt. No. 9) ¹	<u>Deadline Under Proposed Second Amended Conference and Scheduling Order</u>
Plaintiff's Expert Disclosures	November 12, 2024	February 12, 2025
Defendants' Expert Disclosures	December 11, 2024	March 12, 2025
Completion of Discovery	January 27, 2025	April 30, 2025
Motions (Excluding those regarding evidence admissibility and those to compel discovery)	February 11, 2025	May 12, 2025
Mediation	February 27, 2025	May 27, 2025
Pre-Trial Disclosures	April 4, 2025	July 7, 2025
Trial	April 2025 term of court	July 2025 term of court

CONCLUSION

For the foregoing reasons, the parties respectfully request that the proposed Second Amended Scheduling Order be adopted in this case.

Attorney signatures on following page.

¹ The Court's Original Conference and Scheduling Order (Dkt. No. 5) was issued on May 31, 2024 and was amended in the ordinary course subsequent to the parties' Rule 26(f) conference.

I SO MOVE/CONSENT:**MORGAN & MORGAN, P.A.**s/ James G. Biggart, II

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